

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

|   |   |                                    |
|---|---|------------------------------------|
| Quinton Inman,                          | ) |                                    |
|   | ) |                                    |
| Plaintiff,                              | ) | Civil Action No. 1:15-cv-04962-JMC |
|   | ) |                                    |
| v.                                      | ) | <b>Order</b>                       |
|   | ) |                                    |
| Director Byran P. Sterling and Corporal | ) |                                    |
| Harold Campbell,                        | ) |                                    |
|   | ) |                                    |
|   | ) |                                    |
| Defendants.                             | ) |                                    |
| _____                                   | ) |                                    |

Quinton Inman (“Plaintiff”), proceeding pro se and in forma pauperis, brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. (ECF No. 1.) On July 27, 2016, Defendants filed a Motion to Dismiss or in the alternative Motion for Summary Judgment. (ECF No. 30.) Afterwards, the court entered an Order on June 29, 2016, pursuant to Roseboro v. Garrison, 538 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment/dismissal procedure and the need for him to file an adequate response by September 1, 2016. (ECF No. 31.) Specifically, Plaintiff was advised that if he failed to respond adequately, Defendants’ Motion may be granted. (Id.) Despite this explanation, Plaintiff failed to properly respond to the Motion. (ECF No. 38 at 1.) On September 6, 2016, the court ordered Plaintiff to advise the court whether he wished to continue with the case by September 20, 2016. (ECF No. 33.) Plaintiff filed no response. (ECF No. 38 at 1.)

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, the matter was referred to United States Magistrate Judge Shiva V. Hodges, for pre-trial handling. On September 26, 2016,

the Magistrate Judge issued a Report and Recommendation (“Report”) recommending that Plaintiff’s case be dismissed with prejudice for failure to prosecute. (ECF No. 38.)

### LEGAL STANDARD AND ANALYSIS

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Matthews v. Weber, 423 U.S. 261, 270-71 (1976). This court is charged with making a de novo determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation, or recommit the matter with instructions. See 28 U.S.C. § 636 (b)(1). “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Failure to timely file specific written objections to a Report will result in a waiver of the right to appeal from an Order from the court based upon the Report. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140, 155 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Plaintiff has failed to file timely objections to the Report and Recommendation of the Magistrate Judge. Therefore, finding no clear error on the record, this court adopts the recommendation of the Magistrate Judge.<sup>1</sup>

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<sup>1</sup> The court notes that Plaintiff filed a Motion to Compel on July 5, 2016. (ECF No. 28.) However, Plaintiff’s Motion is moot because the court has adopted the Report of the Magistrate Judge, recommending dismissal of this case.

### **CONCLUSION**

Based on the aforementioned reasons and a thorough review of the Report of the Magistrate Judge and the record in this case, the court **ACCEPTS** the Report of the Magistrate Judge (ECF No. 38). It is therefore ordered that Plaintiff's Complaint (ECF No. 1) is **DISMISSED** with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The court deems **MOOT** Defendants' Motion to Dismiss or in the alternative Motion for Summary Judgment (ECF No. 30) and Plaintiff's Motion to Compel (ECF No. 28).

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

November 10, 2016  
Columbia, South Carolina